

UNITED STATES DISTRICT COURT

for the
Western District of Washington

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

Information associated with Facebook User IDs
100037411562858 and 100026289796255 that is
stored at premises controlled by Facebook

Case No. MJ21-021

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, attached hereto and incorporated herein by reference.

located in the Northern District of California, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, attached hereto and incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. § 1951	Hobbs Act Robbery

The application is based on these facts:

- ☒ See Affidavit of Catherine Cole, attached hereto and incorporated herein by reference

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Pursuant to Fed. R. Crim. P. 4.1, this warrant is presented: ☒ by reliable electronic means; or: ☐ telephonically recorded.

Catherine Cole

Digitally signed by Catherine Cole
Date: 2021.01.13 12:49:32 -08'00'

Applicant's signature

Catherine Cole, Special Agent, ATF

Printed name and title

- ☐ The foregoing affidavit was sworn to before me and signed in my presence, or
- ☒ The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: 01/14/2020



Judge's signature

City and state: Seattle, Washington

Michelle L. Peterson, United States Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
FACEBOOK USER IDS OTM
CLOCKWORK [100037411562858] AND
WAYNE PORTER (OTM CLOCKWORK)
[100026289796255] THAT IS STORED AT
PREMISES CONTROLLED BY FACEBOOK

Case No. _____

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Catherine Cole, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with certain Facebook user IDs that are stored at premises owned, maintained, controlled, or operated by Facebook, a social networking company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under Federal Rule of Criminal Procedure 41 and 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook to disclose to the government records and other information in its possession, as described in Attachment B, pertaining to the subscriber or customer associated with the following user IDs:

- a. Facebook user ID OTM CLOCKWORK, assigned account number 100037411562858, and
- b. Facebook user ID WAYNE PORTER (OTM CLOCKWORK), assigned account number 100026289796255,

both of which are described in Attachment A.

2. I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been so employed since December 2013. I have attended formal training at the Federal Law Enforcement Training Center and at the ATF National Academy in Glynco, Georgia. I have received training in the enforcement of the

various criminal statutes enacted in the Gun Control Act of 1968 and in the National Firearms Act of 1934. I have also received several hours of specialized training in surveillance techniques, narcotics investigations, gang investigations, and am a certified Interstate Firearms and Ammunition Nexus Expert, who has been trained in the recognition of firearms and ammunition and their origin of manufacture. I am presently assigned as a Special Agent for the ATF Seattle Field Division.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts as set forth in this affidavit, I believe that there is probable cause to search the property described in Attachment A and the information described in Attachment B for evidence of Robbery, in violation of 18 U.S.C. §§ 1951(a), (b)(1) and Section 2.

INFORMATION ABOUT FACEBOOK

5. I have knowledge about Facebook from my own experience, including in this investigation, my training, and consultation with other investigators

6. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

7. Facebook asks users to provide basic contact and personal identifying information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers (for password retrieval), physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account.

8. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with

individual Facebook users by sending each user a “Friend Request.” If the recipient of a “Friend Request” accepts the request, then the two users will become “Friends” for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user’s account includes a list of that user’s “Friends” and a “News Feed,” which highlights information about the user’s “Friends,” such as profile changes, upcoming events, and birthdays.

9. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create “lists” of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

10. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post “status” updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming “events,” such as social occasions, by listing the event’s time, location, host, and guest list. In addition, Facebook users can “check in” to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user’s profile page also includes a “Wall,” which is a space where the user and his or her “Friends” can post messages, attachments, and links that will typically be visible to anyone who can view the user’s profile.

11. Facebook allows users to upload photos and videos. It also provides users the ability to “tag” (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook’s purposes, the photos and videos associated with a user’s account will include all photos and videos uploaded by that user that have not been deleted, as well as all photos and videos uploaded by any user that have that user tagged in them.

12. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to the recipient's "Inbox" on Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile. In addition, Facebook has a Chat feature that allows users to send and receive instant messages through Facebook. These chat communications are stored in the chat history for the account. Facebook also has a Video Calling feature, and although Facebook does not record the calls themselves, it does keep records of the date of each call.

13. If a Facebook user does not want to interact with another user on Facebook, the first user can "block" the second user from seeing his or her account.

14. Facebook has a "like" feature that allows users to give positive feedback or connect to particular pages. Facebook users can "like" Facebook posts or updates, as well as webpages or content on third-party (*i.e.*, non-Facebook) websites. Facebook users can also become "fans" of particular Facebook pages.

15. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.

16. Each Facebook account has an activity log, which is a list of the user's posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as "liking" a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user's Facebook page.

17. Facebook Notes is a blogging feature available to Facebook users, and it enables users to write and post notes or personal web logs ("blogs"), or to import their blogs from other services, such as Xanga, LiveJournal, and Blogger.

18. The Facebook Gifts feature allows users to send virtual "gifts" to their friends that appear as icons on the recipient's profile page. Gifts cost money to purchase, and a personalized message can be attached to each gift. Facebook users can also send each other "pokes," which are free and simply result in a notification to the recipient that he or she has been "poked" by the sender.

19. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

20. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user's access or use of that application may appear on the user's profile page.

21. Some Facebook pages are affiliated with groups of users, rather than one individual user. Membership in the group is monitored and regulated by the administrator or head of the group, who can invite new members and reject or accept requests by users to enter. Facebook can identify all users who are currently registered to a particular group and can identify the administrator and/or creator of the group. Facebook uses the term "Group Contact Info" to describe the contact information for the group's creator and/or administrator, as well as a PDF of the current status of the group profile page.

22. Facebook uses the term "Neoprint" to describe an expanded view of a given user profile. The "Neoprint" for a given user can include the following information from the user's profile: profile contact information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications.

23. Facebook also retains Internet Protocol ("IP") logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook profile, that user's IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.

24. Social networking providers like Facebook typically retain additional information about their users' accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases,

Facebook users may communicate directly with Facebook about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.

25. Therefore, the computers of Facebook are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.

PROBABLE CAUSE

5. J.B. and L.M. are business partners, and together they own and operate Marci Jewelry, located at 1048 116th Avenue NE, Bellevue, Washington. Marci Jewelry is a jewelry store engaged in interstate commerce, as discussed further below. It is in the "Design Market" shopping center in Bellevue, which has approximately a dozen shops, and is close to Bellevue Square and other major retail centers.

6. On May 31, 2020, at approximately 5:40 p.m., J.B. received a phone call from L.M. about concerns of riots and looting that was going on at that time in the City of Bellevue, within the Western District of Washington. Beginning in late May 2020, and continuing well into June and beyond, major protests were occurring throughout the Puget Sound region, including in Bellevue, and indeed throughout the country. Sometimes, individuals would come to the area of the protests and then engage in vandalism, looting, rioting, and other criminal activities. L.M. told J.B. that she was concerned about the possibility of Marci Jewelry being broken into and looted.

7. J.B. went to his business to check on it. He was armed with a handgun in a holster under his jacket. He walked around the front of his business acting like he was security, hoping to deter anyone. At approximately 6:30 p.m., J.B. observed several vehicles pull into the parking lot together and park next to each other. Approximately ten males got out of the various vehicles and approached his store armed with a hammer and other weapons, including possibly an axe, machete, or other similar types of weapons. (Later, it was determined by watching City of Bellevue traffic-flow cameras that two of these males had already been in the parking lot and were associated with other vehicles.) The suspects had masks covering parts of their faces.

8. J.B., who was in front of his store, saw that they were approaching with weapons. He pulled his gun out of the holster, but did not point it at them. J.B. recollected he told them something like, “No, you aren’t going to do it.” One of the males in this group then threatened J.B. by saying, “You want some bullets n*****, we got bullets for you.” Two of the males pulled up their shirts and displayed handguns in their waistbands. Most of the others also made movements to their waistbands, which J.B. understood to be an indication that they also had handguns. J.B. took this as a threat that they would shoot him. Fearing for his safety, he stepped aside.

9. The male suspect who made the threat, and who was near the front of the group, then broke the front-door windows with his hammer, and all ten suspects made entry into the store through the broken front door. While inside the store, the suspects broke displays and caused other damage to the store lighting. The suspects stole cufflinks, money clips, the store’s forty-year collection of ring molds, and other miscellaneous items.

10. Because the store had been closed, the store’s jewelry was locked inside the safe, which the suspects did not get into. After about a minute, the suspects fled the scene and drove away in their vehicles. The damage to the store itself was estimated at approximately \$20,000, and value of the items stolen was estimated at approximately \$5,000.

11. When the suspects made entry into Marci Jewelry, one or more of them were cut by the broken glass, and blood was found on a piece of Plexiglas inside the business by the front door. A swab of a sample of the blood was booked into Bellevue Police (BPD) evidence for DNA testing by the Washington State Patrol Crime Lab.

12. On June 7, 2020, BPD Major Crimes Detective (Det.) Robertson started to review City of Bellevue traffic-flow video to see if she could identify any of the vehicles involved in the robbery. Det. Robertson observed that, prior to the robbery, at 6:23 p.m., a black Nissan sedan drove around downtown Bellevue. It traveled through downtown Bellevue and then eastward. Det. Robertson observed that the driver was wearing a blue top, the front passenger was wearing a red top, and a rear passenger was wearing a white top. Det. Robertson could not tell if anyone else was in the vehicle at this point.

13. At approximately 6:32 p.m., the same black Nissan drove through the Design Market shopping mall parking lot and went past Marci Jewelry. The black Nissan then exited and drove to an AM/PM gas station nearby, located at 11611 NE 8th Street, Bellevue, King County,

Washington. There were numerous vehicles in the AM/PM parking lot, including a silver Nissan Maxima and a silver Hyundai sedan. Det. Robertson observed that the black Nissan stopped in front of the silver Hyundai. The black Nissan then exited the lot, and the silver Nissan and silver Hyundai followed it.

14. At 6:36 p.m., the black Nissan (a Sentra), the silver Nissan (a Maxima), and the silver Hyundai pulled into the parking lot at Marci Jewelry and parked next to each other in the south end of the parking lot. Det. Robertson observed the occupants get out of these three vehicles and open and close their trunks. There were a lot of other vehicles and people in the parking lot at this time. Det. Robertson observed two subjects, associated with two other vehicles in the parking lot, walk in the direction of the group of individuals who had just exited the black Nissan Sentra, the silver Nissan Maxima, and the silver Hyundai. These two subjects did not appear to be with the group of individuals who had arrived in the three cars, but joined them, making a group of ten.

15. These ten individuals then went towards Marci Jewelry. Trees blocked the camera view, so Det. Robertson was unable to see them enter Marci Jewelry from these traffic cameras. After approximately one minute, the group of individuals then ran back to the three vehicles, got in them, and fled the parking lot. The two individuals who had joined them then returned to their own vehicles.

16. The black Nissan drove north and eventually got onto westbound Highway 520. The silver Hyundai drove north back to NE 8th Street and then went east on NE 8th Street. The Hyundai then turned right into the driveway for the Chevron/Tiki Car Wash, which is located at 11909 NE 8th Street, Bellevue, King County, Washington. This driveway cuts through to the shopping area to the south of it. The Chevron/Tiki Car Wash is next to Bartell Drugs, which is located at 11919 NE 8th Street, Bellevue, King County, Washington.

17. The silver Nissan drove south and tried to go west on NE 8th Street; however, the Washington State Patrol had closed westbound NE 8th Street. The silver Nissan then did a U-turn, drove into oncoming traffic, and then went north. It eventually drove back south until it pulled into a Shell gas station, which is located at 12001 NE 8th Street, Bellevue, King County, Washington. This is across the street from the Bartell Drugs mentioned above. Det. Robertson observed three suspects get out of the silver Nissan and run towards Bartell Drugs. The silver

Nissan then drove out of the Shell parking lot, went over the median for 120th Avenue NE, and then into the driveway for Bartell Drugs.

18. Det. Robertson later obtained security video from the AM/PM. She was able to determine that, before the robbery, at 6:20 p.m., the silver Nissan Maxima arrived and parked. The below three suspects were in that vehicle, as captured on store surveillance video:



19. At 6:25 p.m., the silver Hyundai sedan arrived and parked. The below two suspects were in that vehicle. The male in red was driving the vehicle. Det. Robertson observed

that he kept looking at his cellular phone and doing something on it, possibly messaging someone. He then put on gloves.



20. A few minutes later, the driver of the silver Hyundai saw one of the suspects from the silver Nissan and they hugged, indicating that they knew each other. After they greeted, they went back to their own vehicles. The driver of the Hyundai again was doing something on his cellular phone, as if waiting for a message or phone call. At the same time, as he finished checking his phone, the black Nissan pulled into the AM/PM parking lot and stopped in front of the Hyundai. The driver of the Hyundai and the front passenger of the black Nissan spoke. The black Nissan then pulled out of the parking lot, and the silver Hyundai and silver Nissan followed. They then drove to Marci Jewelry where they then committed the robbery.

VIDEO SURVEILLANCE DURING THE ROBBERY

21. Following the robbery, Det. Robertson obtained the security video from Marci Jewelry. She observed J.B. initially stand in front of the store. J.B. then backed away as ten suspects approached the front of Marci Jewelry. A male wearing a blue sweatshirt and carrying a backpack and hammer stopped at the front door. This male suspect turned toward J.B.'s direction, and then used his hammer to smash the front door windows. All ten suspects then entered the store.

22. I reviewed surveillance video and still images taken from the Marci Jewelry surveillance system. During my review of the multiple camera and angles, I noticed that one of the individuals, hereinafter referred to as Suspect A, who entered Marci Jewelry during the robbery wore what appeared to be a dark colored hoodie with the hood down and dark colored pants. This same individual appeared to be wearing slip-on sport sandals over dark socks and a bandana or wrap of some kind around the lower portion of his face.



VIDEO SURVEILLANCE BEFORE AND AFTER THE ROBBERY

23. Based on my review of video surveillance taken from businesses located in the vicinity of Marci Jewelry in Bellevue, Washington, I have learned the following, in substance and in part:

a. Video surveillance from the AM/PM parking lot only minutes before the robbery showed Suspect A, a black male wearing a dark hoodie, dark green pants, black slip-on sport sandals with black socks (the left pant leg tucked inside the sock), with a black and white patterned bandana around his neck. Suspect A was with an associate, a black male, wearing a red North Face brand hoodie with logo on the back, a flat-billed Chicago Bulls baseball cap with a circular, shiny sticker on the top side of the bill, khaki colored pants and white sneakers with red accents, hereinafter referred to as Suspect B, loitering in the parking lot and speaking with others in the area. Suspect A and Suspect B wore the same clothing as two of the suspects in the Marci Jewelry robbery.



"Suspect A" at the AM/PM



"Suspect A" during the Marci Jewelry robbery



"Suspect B" at the AM/PM



"Suspect B" during the Marci Jewelry robbery

b. Following the Marci Jewelry robbery, at approximately 6:48 p.m., video surveillance obtained from a nearby Bartell drug store, located at 11919 NE 8th Street in Bellevue, showed Suspect A and Suspect B, who are both still wearing the same clothing shown while they were at the AM/PM and during the Marci Jewelry robbery earlier in the day, approaching the front door and peering inside. Suspects A and B momentarily

disappeared out of the frame, but then came back, at which time Suspect B broke the glass front door before both suspects made entry and began stealing items from the store.





Suspects A and B entering the Bartell drug store

24. On July 29, 2020, BPD sent out a media release in an attempt to identify the suspects involved in the robbery. Video clips were also released to the media showing the robbery at Marci Jewelry and the burglary at Bartell Drugs.

25. On July 30, 2020, J.B. contacted Det. Robertson after seeing the media release and told her he recognized the item Suspect A used to smash display cases inside the Bartell drug store following the Marci Jewelry robbery. J.B. explained that it was the mandrel, a device used to round out wire and metal and to size rings, which was stolen during the Marci Jewelry robbery.



Suspect A inside the Bartell Drug Store holding what J.B. identified as a mandrel

26. On July 31, 2020, a local news program, *Washington's Most Wanted*, aired on Q13 Fox News and showed video clips and still images of the suspects involved in the Marci Jewelry robbery. An online article was also posted to the Q13 Fox News website with still images.

27. On August 11, 2020, I received information from Det. Robertson that an anonymous tip was received regarding Suspect A in the Marci Jewelry robbery. The tip stated, "I seen the video of Jewlery [sic] store being robbed in Bellevue with 2 suspect brothers from Tacoma already caught¹ and suspect I notice is Thomas lee he wear sweats n black slides."

28. Det. Robertson was able to locate one Thomas Eugene LEE (date of birth 04/05/19XX) by querying a regional law enforcement database. Det. Robertson was able to obtain a 2019 booking photo of LEE.

¹ During this investigation, Det. Robertson and I, along with other investigators, identified two brothers who were living in Tacoma as participants in this robbery. They were the driver (Jaaron Davis) and one of the occupants (Deondre Davis) of the black Nissan. They were arrested on July 24, 2020, and search warrants were executed on their home and car; items seized included property stolen from Marci Jewelry during the robbery; a hammer, likely the one used to break the glass door at Marci Jewelry; and clothing consistent with the clothing worn by two robbers during the robbery. A grand jury in this District returned an Indictment charging both Deondre and Jaaron Davis with Robbery, pursuant to 18 U.S.C. §§ 1951(a), (b)(1), and 2, on September 23, 2020, under cause number CR20-160 RSL.



29. I also conducted a law enforcement database check for LEE to retrieve his criminal history report and to locate photos for comparison with Suspect A. A Washington Department of Licensing (DOL) check revealed LEE's driver's license photo.



30. On August 19, 2020, I conducted a law enforcement database check for pawn sales and purchases in Washington State for any transaction related to Thomas LEE. Among other transactions, the check revealed LEE purchased a cell phone from a Wal-Mart ecoATM at store number 2385, located at 762 Supermall Way SE in Auburn, Washington on July 8, 2020. During the transaction, photos were taken of LEE as he stood at the kiosk. In those photos, LEE wore the same black and white-patterned scarf he wore during the Marci Jewelry robbery. LEE was also obligated to present his driver's license during the transaction, a photo of which was also taken at the kiosk.



Photos taken by the ecoATM pawn kiosk transaction on July 8, 2020

31. Det. Robertson was able to pull additional prior booking photos of LEE to compare with surveillance stills taken the day of the Marci Jewelry robbery:



October 2019 booking photo of LEE

May 31, 2020 Surveillance Stills

32. On August 21, 2020, Det. Robertson applied for, obtained and submitted a Search Warrant 20-0-62238-1, issued out of King County Superior Court by the Honorable Elizabeth J. Berns, to Facebook, Inc., requesting data related to LEE's Facebook account (account identifier 100002937248183; display name of "TO Isreal"). Det. Robertson requested search results for basic subscriber information, IP address logs, messages, photos, transactional information, and other content and records associated with the account. The search warrant return was provided to Det. Robertson by Facebook on September 18, 2020.

33. A review of the content of LEE's Facebook account revealed the following:

a. On May 31, 2020, LEE had a Facebook Messenger chat with user "Sherm Roland," account identifier 100001826446511, before the protests and civil unrest began to occur in Bellevue. In the conversation, LEE and Sherm Roland seemingly discussed meeting in Bellevue around the time the protests were to begin and discussed bringing tools. A few hours later, LEE asked, "U there bro?" to which Roland responded, "Here. Started hours ago there's not bout to be anything left." LEE then asked, "What they hit?" and asked specifically, "Is Gucci gone?" Sherm Roland responded, "[They hit] the mall. The whole mall."

Thread (1012150468855825)

Current 2020-09-18 13:57:35 UTC

Participants Sherm Roland (Facebook: 100001826446511)
TO Isreal (Facebook: 100002937248183)

Author Sherm Roland (Facebook: 100001826446511)

Sent 2020-05-28 01:35:13 UTC

Body Lemme get a bottle of sum for \$20

Author Sherm Roland (Facebook: 100001826446511)

Sent 2020-05-28 01:42:12 UTC

Body Idc which one

Author Sherm Roland (Facebook: 100001826446511)

Sent 2020-05-28 01:42:25 UTC

Body If you still have them

Author Sherm Roland (Facebook: 100001826446511)

Sent 2020-05-31 19:56:05 UTC

Body Bellevue?

Author TO Isreal (Facebook: 100002937248183)

Sent 2020-05-31 19:56:25 UTC

Body Duh

Author TO Isreal (Facebook: 100002937248183)

Sent 2020-05-31 20:03:51 UTC

Body I ready? Bring tools

Author Sherm Roland (Facebook: 100001826446511)

Sent 2020-05-31 20:04:37 UTC

Body I got some metal tools in the trunk [REDACTED]

Author Sherm Roland (Facebook: 100001826446511)

Sent 2020-05-31 20:04:46 UTC

Body Around 3?

Author TO Isreal (Facebook: 100002937248183)

Sent 2020-05-31 20:05:55 UTC

Body Yup it's on & I might be a lil early cause last time it popped off I wasn't ready got down there 2 late...

Author Sherm Roland (Facebook: 100001826446511)

Sent 2020-05-31 20:18:58 UTC

Body Yup Ima be a lil early too that's the move

Author Sherm Roland (Facebook: 100001826446511)

Sent

2020-05-31 20:19:09 UTC

Body And Niggas can get first dibs

Author TO Isreal (Facebook: 100002937248183)

Sent 2020-06-01 00:26:33 UTC

Body U there bro?

Author TO Isreal (Facebook: 100002937248183)

Sent 2020-06-01 00:27:10 UTC

Body Hit me when it start jumpin off I'm on the way....

Author Sherm Roland (Facebook: 100001826446511)

Sent 2020-06-01 00:35:59 UTC

Body Here [REDACTED]

Author Sherm Roland (Facebook: 100001826446511)

Sent 2020-06-01 00:36:17 UTC

Body Started hours ago there's not bout to be anything left

Author TO Isreal (Facebook: 100002937248183)

Sent 2020-06-01 00:36:43 UTC

Body What

Author TO Isreal (Facebook: 100002937248183)

Sent 2020-06-01 00:36:54 UTC

Body They already hit

Author TO Isreal (Facebook: 100002937248183)

Sent 2020-06-01 00:36:56 UTC

Body ?

Author Sherm Roland (Facebook: 100001826446511)

Sent 2020-06-01 00:36:58 UTC

Body Hell yeah

Author Sherm Roland (Facebook: 100001826446511)
Sent 2020-06-01 00:37:05 UTC
Body Gucci and allat next I guess

Author TO Isreal (Facebook: 100002937248183)
Sent 2020-06-01 00:37:06 UTC
Body What they hit?

Author Sherm Roland (Facebook: 100001826446511)
Sent 2020-06-01 00:37:11 UTC
Body The mall

Author Sherm Roland (Facebook: 100001826446511)
Sent 2020-06-01 00:37:14 UTC
Body The whole mall

Author TO Isreal (Facebook: 100002937248183)
Sent 2020-06-01 00:38:19 UTC
Body Dam dog I'm comin

Author TO Isreal (Facebook: 100002937248183)
Sent 2020-06-01 00:38:31 UTC
Body Is Gucci gone?

b. In another exchange on August 8, 2020, a user by the name of “Madyson Ridenour” (account identifier 100051144914646) urgently asked LEE to contact her. Moments later, Ridenour sent a screenshot to LEE depicting a Q13 Fox News article of a *Washington’s Most Wanted* photo montage of suspects that were seen on surveillance video on May 31, 2020, in Bellevue, Washington, and who were alleged to have participated in the looting of businesses in the area. Two of the still images of suspects show LEE inside the AM/PM gas station shortly before the robbery of Marci Jewelry. Ridenour repeatedly tried to contact LEE through Facebook regarding the screenshot she sent to his account in Messenger. LEE eventually responded to her, stating simply, “I know.” Later, Ridenour told LEE in Facebook Messenger to, “Please be careful in all you do and make sure to save my number somewhere so you can call me just I’m [sic] case you get booked,” to which LEE responds, “Ok I will best friend I love u.”

Thread (3131361220305089)

Current 2020-09-18 13:57:16 UTC

Participants Madyson Ridenour (Facebook: 100051144914646)
TO Isreal (Facebook: 100002937248183)

Author Madyson Ridenour (Facebook: 100051144914646)

Sent 2020-08-08 03:06:42 UTC

Body Call me

Author Madyson Ridenour (Facebook: 100051144914646)

Sent 2020-08-08 03:06:44 UTC

Body Asap

Author TO Isreal (Facebook: 100002937248183)

Sent 2020-08-08 03:09:02 UTC

Body Madyson missed your call.

Author Madyson Ridenour (Facebook: 100051144914646)

Sent 2020-08-08 03:09:24 UTC

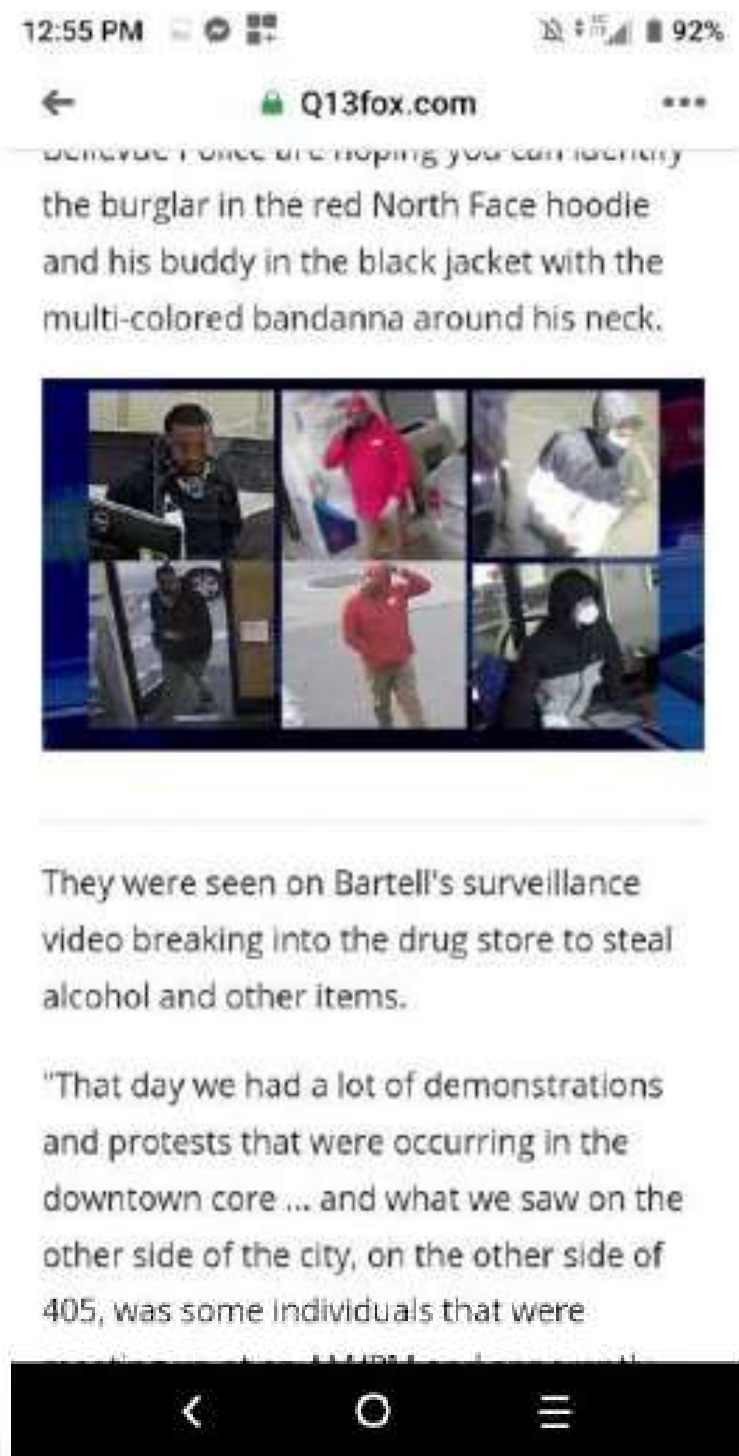
Body Madyson sent a photo.

Attachments image-593979227911945 (593979227911945)

Type image/jpeg

Size 98981

URL https://interncache-atn.fbcdn.net/v/t1.15752-9/16643617_2595954693955570_3097769092080366062_n.jpg?_nc_sid=73a6a0&efg=eyJ1cmxnZW4iOiJwaHBfdXJsZ2VuX2NsaWVudC9pbW9nZW46RFJlTWVkaWVudGlscyJ9&_nc_ad=z-m&_nc_cid=0&_nc_ht=interncache-atn&oh=118e9915fde901522b0cfeb31cb29ef9&oe=5F8BC3FE



Author Madyson Ridenour (Facebook: 100051144914646)
Sent 2020-08-08 03:09:26 UTC
Body Look bruh

Author Madyson Ridenour (Facebook: 100051144914646)
Sent 2020-08-08 03:44:28 UTC
Body Text me so I have your number plz

Author Madyson Ridenour (Facebook: 100051144914646)
Sent 2020-08-08 03:44:34 UTC
Body 2067422004

Author Madyson Ridenour (Facebook: 100051144914646)
Sent 2020-08-08 03:44:48 UTC
Body You missed a call from Madyson.

Author TO Isreal (Facebook: 100002937248183)
Sent 2020-08-08 04:50:08 UTC
Body I know

Author TO Isreal (Facebook: 100002937248183)
Sent 2020-08-08 04:59:37 UTC
Body Best friend I need a ride!!! Can you come get me please??

Author Madyson Ridenour (Facebook: 100051144914646)
Sent 2020-08-08 05:34:47 UTC
Body No I got my car taken from me

Author Madyson Ridenour (Facebook: 100051144914646)
Sent 2020-08-08 05:34:56 UTC
Body Sorry I wish

Author Madyson Ridenour (Facebook: 100051144914646)
Sent 2020-08-08 05:35:45 UTC
Body Wya you okay though

Author Madyson Ridenour (Facebook: 100051144914646)
Sent 2020-08-08 05:36:14 UTC
Body Please be careful in all you do and make sure to save my number somewhere so you can call me just I'm case you get booked

Author TO Isreal (Facebook: 100002937248183)
Sent 2020-08-08 05:52:30 UTC
Body I'm stuck right now stranded with nowhere to go

Author TO Isreal (Facebook: 100002937248183)
Sent 2020-08-08 05:52:34 UTC
Body Ok I will best friend I love u

34. On September 1, 2020, another anonymous tip was received regarding Suspect B in the Marci Jewelry robbery. The tip stated, "I know the name of the the guy in the Red NorthFace Jacket as well. I dont know his legal name but everyone knows him by N.O. He lived

in the pierce county area for quite a while. Mainly the fife area. Again this is the looting situation at the jewlery store in Bellevue.”

35. As part of my efforts to identify Suspect B, I submitted a query to a regional law enforcement group with still photos of Suspect B along with the information received in the tip. Multiple responses were received suggesting that Suspect B could be Wayne Eric PORTER, Jr. (date of birth 10/15/19XX). A criminal history check revealed PORTER had law enforcement contacts in the Fife and greater Pierce County area and according to the Washington State Department of Corrections (DOC), PORTER, who is currently on DOC supervision, uses the moniker “N.O.”

36. I obtained PORTER’s Washington driver’s license photo, as well as past booking photos, and compared the photos to still images captured the day of the Marci Jewelry robbery.



WA driver’s license photo issued September 5, 2019



Booking photos taken September 19, 2019



Surveillance still photos taken May 31, 2020

37. I conducted a social media check of any social media accounts that may be connected to PORTER, including a Facebook search for accounts that might be used by him. I was able to find two accounts that are connected to PORTER, OTM Clockwork and Wayne Porter (Otm ClockWork). Each of the Facebook pages feature profile and/or “cover” photos depicting images of PORTER. A Google search of “OTM Clockwork” revealed other internet pages featuring PORTER, including a YouTube video streaming page of several rap videos headlining PORTER as the lead rap artist.



Otm Clockwork

Ain't a obstacle I can't overcome! Defeat or Surrender is not an option! WIN

Facebook page header for account “Otm Clockwork”



Wayne Porter (Otm ClockWork)

Destined for Success, Determined to Win, & Dedicated to Progress! •Born to Lead•

Facebook page header for account "Wayne Porter (Otm ClockWork)"

38. I observed that both Facebook accounts with the profile names "OTM Clockwork," assigned account number 100037411562858, and "Wayne Porter (Otm ClockWork)," assigned account number 100026289796255, appear to be active. I have reviewed photographs and videos which were posted on each profile, and which are publicly viewable, and based on my review of driver's license photographs and booking photos, I concluded that these are photographs and videos are of PORTER. In posting many of the photographs to each account on Facebook, PORTER does not attempt to conceal his face or his distinctive tattoos, one of which reads "504," which is the area code for the city of New Orleans, or N.O. A check of a law enforcement database revealed that PORTER's social security number was issued in the State of Louisiana in the year of PORTER's birth. The same database also revealed that PORTER's father, Wayne Porter, Sr., had an address in Metairie, Louisiana, from 1977 until 2018. Metairie is a suburb of New Orleans.

39. The "OTM Clockwork" account appears to be currently active, with the last publicly viewable post having a date of January 7, 2021. The "Wayne Porter (Otm ClockWork)" account appears to be recently active, with the last publicly viewable post having a date of October 28, 2020. While some of the information contained within the accounts appear to be blocked from the public, I have observed that new comments are uploaded regularly and the user and the user's Facebook "friends" posts comments to his "walls" on a regular basis.

40. I reviewed Thomas LEE's Facebook friends list and determined LEE is friends with both of PORTER's Facebook accounts, bearing the names "OTM Clockwork" and "Wayne Porter (Otm ClockWork)". I also reviewed LEE's messenger chats from the warrant obtained by Det. Robertson on August 21, 2020. In those chats, LEE has frequent communications with "OTM Clockwork," and during at least one chat, LEE calls the user "Wayne." LEE also has conversations with Facebook user "Rissa Fitz," assigned account number 1104850375. During the interactions with Rissa Fitz and LEE, each refer to an individual as both "Wayne" and "N.O." A review of user Rissa Fitz's public Facebook profile revealed that her Facebook page contains several publicly viewable photos of PORTER. Further review appears to show that user Rissa Fitz and PORTER appear to be in, or at one time were in, an intimate relationship.



41. There are also multiple other references to someone who goes by "N.O." in LEE's Facebook messenger chats with multiple other users.

42. I have attempted to identify where PORTER is currently living without success. After conducting surveillance on multiple occasions, I have determined that the address he listed

with the Washington Department of Licensing appears to be his parents' address and that PORTER does not stay there.

43. PORTER, who is on active supervision with the Washington Department of Corrections (DOC), has not reported to his Community Corrections Officer (CCO), CCO Leibrand since May of 2020. DOC CCO Leibrand told ATF Task Force Officer John Conaty that he does not know where PORTER is staying, and that he believes he frequents many of the roadside motels along the I-5 corridor.

44. I know, based on Thomas LEE's aforementioned Facebook communications with others about the robbery, that it is reasonable to believe that PORTER likely also discussed the robbery with his contacts using Facebook. I also know from my training and experience that it is common for individuals to photograph themselves with property or cash they have stolen, and to then post those photos on their social media pages for purposes of boasting or to sell stolen items.

45. I believe that records created by Facebook in connection with PORTER's usage of his accounts will provide information about his actions and whereabouts on May 31, 2020, and that the records created by Facebook will assist with locating PORTER for purposes of arrest and recovery of evidence.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

46. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Facebook to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

CONCLUSION

47. Based on the foregoing, I request that the Court issue the proposed search warrant.

48. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711. *See* 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is "a district court of the United States . . . that – has jurisdiction over the offense being investigated." 18 U.S.C. § 2711(3)(A)(i).

49. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

50. Because the warrant will be served on Facebook, which will then compile the requested records and data, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

REQUEST FOR SEALING

51. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing investigation, portions of which are neither public nor known to the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize the investigation.

Respectfully submitted,

CATHERINE COLE

Digitally signed by CATHERINE
COLE
Date: 2021.01.13 12:43:50 -08'00'

Catherine Cole
Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

The above-named agent provided a sworn statement to the truth of the foregoing affidavit by telephone on the 14th day of January, 2021.



Michelle L. Peterson
United States Magistrate Judge

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the following Facebook accounts:

- a. Facebook user ID “OTM CLOCKWORK,” assigned Facebook account number 100037411562858 (<https://www.facebook.com/otm.clockwork>), believed to be used by Wayne Porter, and
 - b. Facebook user ID “WAYNE PORTER (OTM CLOCKWORK)”, assigned account number 100026289796255 (<https://www.facebook.com/1000ClockWork>), believed to be used by Wayne Porter,
- that is stored at premises owned, maintained, controlled, or operated by Facebook, a company headquartered in Menlo Park, California.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user ID listed in Attachment A:

- (a) All contact and personal identifying information, including full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers;
- (b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities;
- (c) All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them;
- (d) All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;
- (e) All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending "Friend" requests;
- (f) All "check ins" and other location information;
- (g) All IP logs, including all records of the IP addresses that logged into the account;
- (h) All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";

- (i) All information about the Facebook pages that the account is or was a “fan” of;
- (j) All past and present lists of friends created by the account;
- (k) All records of Facebook searches performed by the account;
- (l) All information about the user’s access and use of Facebook Marketplace;
- (m) The types of service utilized by the user;
- (n) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
- (o) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;
- (p) All records pertaining to communications between Facebook and any person regarding the user or the user’s Facebook account, including contacts with support services and records of actions taken.

Facebook is hereby ordered to disclosure the above information to the government within 14 days of service of this warrant.

II. Information to be seized by the government

All information described above in Section I that constitutes contraband, evidence, fruits, or instrumentalities of violations of Title 18, United States Code, Section 1951, on or about May 31, 2020, in Bellevue, Washington, including but not limited to planning the offense, commission of the offense, documenting the offense, and flight therefrom or efforts to conceal involvement in or obtain assistance in concealing involvement in the offense, as well as all information relevant to the location of Wayne Porter, including, for each user ID identified on Attachment A, information pertaining to the following matters:

- (a) Any content, including e-mails, messages, texts, photographs, visual images, documents, spreadsheets, address lists, contact lists, Wall Posts, private messages, status updates, chat history, friend requests, postings, and any other information, records, communications, or other material or information of any type which could be used to identify the user and or their location.

- (b) Records relating to who created, used, or communicated with the user IDs, including records about their identities and whereabouts.
- (c) All subscriber records associated with the specified accounts, including name, address, local and long distance telephone connection records, or records of session times and durations, length of service (including start date) and types of service utilized, telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address, and means and source of payment for such service including any credit card or bank account number.
- (d) Any and all other log records, including IP logs or address captures, and the dates and times such logins occurred, as well as any other connection information, associated with the specified accounts.
- (e) Any records of communications between Facebook and any person about issues relating to the account, such as technical problems, billing inquiries, or complaints from other users about the specified account, including records of contacts between the subscriber and the provider's support services, as well as records of any actions taken by the provider or subscriber as a result of the communications.
- (f) Information identifying the names, location, or other contact information of people in contact with the users of the specified account.
- (g) Any information, records, or other material relevant to the current or recent whereabouts of Wayne Porter.
- (h) Any information, records, or other material relevant to Wayne Porter's participation in or knowledge of violations of Title 18, United States Code, Section 1951, on or about May 31, 2020, in Bellevue, Washington.

The applied-for warrant authorizes the examination of all the data provided by Facebook for the purpose of identifying the data described in section II. This review may be conducted by any federal or local government personnel, sworn or non-sworn, assisting in the investigation, who may include, in addition to law enforcement officers and agents, federal and local contractors and support staff, attorneys for the government, attorney support staff, and technical experts. Pursuant to the warrant, ATF may deliver a complete copy of the data provided by Facebook in response to this warrant to the

custody and control of attorneys for the government and their support staff for their independent review.